

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
Attorney Docket No. 006916.00002

In re U.S. Patent Application of Hartwig, et al.)	Confirmation No: 8708
)	
Application No. 09/935,545)	Art Unit: 2152
)	
Filed: August 24, 2001)	Examiner: Dohm Chankong
)	
For: Pluggable Server Module for Wireless Remote Controlling of Devices)	

BRIEF ON APPEAL

MS: Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §41.37, Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences in response to the Final Rejection mailed on June 30, 2005 and the Advisory Action mailed December 12, 2005.

I. Real Party in Interest

The real party in interest is Nokia Corporation the owner of the entire right, title and interest in and to the subject application.

II. Related Appeals and Interferences

There are no appeals or interferences related to the subject appeal.

III. Status of the Claims

Claims 1-2, 6, and 9-15 are pending in the current application. Claims 3-5 and 7-8 have been cancelled and no claim stands allowed. Applicants are appealing claims 1-2, 6, and 9-15 which stand finally rejected and are found in the Appendix.

IV. Status of Amendments

On October 31, 2005, an after final amendment was filed which included amendments to claims 6 and 10. The Advisory Action dated December 12, 2005 indicated that the rejections were maintained and that the amendments would be entered for purposes of appeal.

V. Summary of Claimed Subject Matter

Aspects of the present invention, which relate to claims 1-2, 6, and 9-15 are directed to a pluggable server module and methods for preparing and controlling a remote device. Aspects of the invention address the field of embedded servers that are used for remote control purposes. In particular, in one aspect of the invention a pluggable server module for remote controlling of a device is provided. (Substitute Specification, Page 2, lines 3-4). The pluggable server module may comprise a wireless transceiver, a computing means, a server remote control logic, and a standardized interface and connector. (Substitute Specification, Page 2, lines 4-8). Advantageously, the pluggable server module (PSM) further comprises storage means connected to the computing means. The storage means is applied for: 1) storing hypertext context constituting the user interface and auxiliary information, 2) storing executable content like server side scripts, and 3) storing any data produced by server script or passed by the connected device through the device specific user interface (DSUI). (Substitute Specification, Page 3, lines 15-20). In another aspect of the invention, the storage means enables the general purpose pluggable server, e.g., to store device specific user interfaces (DSUIs) of different devices so that the pluggable server module will not require any content/software updates, if used on a number of devices sequentially. (Substitute Specification, Page 3, lines 21-23).

Independent claim 1 describes a pluggable server module for remote controlling of a device wherein the pluggable server module includes storage means for storing user interface data. Independent claim 1 recites a “storage means” and a “computing means.” The structure relating to “storage means” is disclosed in at least Figures 1, 2a, and Figure 2b as memory (20). The structure relating to “computing means” may be found in at least Figure 1 as item (3) and disclosed in the substitute specification at page 8, lines 7-8 as “typically a processor.

VI. Grounds of Rejection to be Reviewed on Appeal

Whether claim 1 is unpatentable under 35 USC §102(b) as being anticipated by Pennerath, et al., EP 1069694 A1.

Whether claims 1-2 and 14-15 are unpatentable under 35 USC §102(e) as being anticipated by Hollstrom, et al., U.S. Publication No. 2001/0056502.

Whether claims 9-10, 12, and 13 are unpatentable under 35 USC §102(e) as being anticipated by Rezvani, U.S. Publication No. 2003/0140107.

Whether claims 6, 12, and 13 are unpatentable under 35 USC §102(e) as being anticipated by Hollstrom, U.S. Publication No. 2001/0056502 in view of Rezvani, et al., U.S. Publication No. 2003/0140107.

Whether claims 11-13 are unpatentable under 35 USC 103(a) as being unpatentable over Rezvani, et al., U.S. Publication No. 2003/0140107 as applied to claim 1 [sic claim 10] above further in view of Rudd, et al., U.S. Patent No. 6,178,468.

The rejections of claims 1-2, 6, and 9-15 are being appealed.

VII. Argument

The discussion below, unless otherwise noted, addresses rejected independent claims 1, 6, and 9-10. Applicants respectfully request that the rejections of remaining dependent claims 2 and 11-15 be reversed for at least the same reasons supporting reversal of the rejection of the independent claims from which they ultimately depend and for the additional features recited therein.

A. Rejection of claim 1 under 35 USC §102(b) over Pennerath, et al., EP 1069694

Applicants respectfully submit that the Final Office Action rejection of claim 1 under 35 USC §102(b) is improper in that Applicant's filing date for the current application is August 24, 2001; whereas, the publication date of the Pennerath patent is January 17, 2001. Therefore, Applicants respectfully submit that a 35 USC §102(b) rejection is improper.

Moreover, Applicants submit that for the following additional reasons, independent claim 1 is allowable over Pennerath. Applicants respectfully submit that Pennerath does not disclose, teach, or suggest at least the claimed features of "a standardized interface and a connector for connecting to said device. . ." and "said server remote control logic is connected to said standardized interface and said connector"

Support for Applicants claimed features may be found in at least Page 3, lines 12-14 of the substitute specification which states:

Standardized in this respect means that the interface works in accordance with a globally or regionally accepted standard or even according to a manufacturer's specific standard.

Additional, support for Applicant's claimed feature of "a standardized interface and a connector" may also be found in at least Page 8, lines 1-6 which states:

A device 11 comprises a conventional device logic 7 for conventional inputs. The device logic 7 is connected to a device remote control logic 6 adapting the standard interface and connector (SIAD) 5 to the device logic. In the SIAD 5 a pluggable server module (PSM) 10 is inserted. The SIAD provides an electrical (or optical) and mechanical contact between the PSM and the device. In the PSM the server remote control 4 adapts the standard interface connector 5 to the computing means 3, telemetrically (optically) and logically.

In contrast, Pennerath merely discloses wired connections (7) coupled between first and second devices and a controller (5). (See; Paragraph [0030] and Figure 1). Pennerath does not disclose, teach, or suggest a standardized interface and a connector for connecting to said device. In aspects of the currently claimed invention, a pluggable server module is inserted into the device to be controlled via the inserted pluggable server module. The standardized interface and connector provides a pluggable electro-mechanical interface for inserting a pluggable server into the device to be controlled. The wired connections (7) of Pennerath do not disclose the standardized interface and connector of Applicants claimed invention. Therefore, for at least this additional reason, Applicants respectfully submit that rejection to independent claim 1 should be reversed.

B. Rejection of claims 1-2 and 14-15 under 35 USC §102(e) over Hollstrom, et al., U.S. Publication No. 2001/0056502

As stated above, independent claim 1 stands rejected over Hollstrom. Hollstrom describes a server device which has a programmable controller, a memory coupled to said controller, and a server program stored in memory and executable by the controller.

However, Hollstrom does not disclose at least the claimed feature of a pluggable server comprising “said storage means is connected to said computing means for storing user interface data.” In other words, Hollstrom does not disclose, teach, or suggest a server device that stores a user interface within memory of the server device. Applicants submit that the claimed invention includes features comprising a pluggable server module that stores the user interface data.

Because the pluggable server module stores the user interface data, a utility device requires only a mechanical and an electrical interface to the internal control logic of the device. This provides users with not only a universal server module but also a nearly universal interface module. In contrast to Hollstrom, the interface may be implemented with nearly no extra effort in the device.

In one aspect of Applicants claimed invention, the user interface resides within the pluggable server, in the form of a stored application, wherein the design and the language of the user interface may be adapted by a simple software update of the server device. That is the manufacturer of the device need not provide for any language specific user interface implementations, in the device. Therefore, for at least this reason Applicants submit that the rejection should be reversed.

In addition to the above, Applicants submit that Hollstrom does not disclose, teach, or suggest, a standardized interface and a connector for connecting to the device. In aspects of the currently claimed invention, the pluggable server module is inserted into the device to be controlled via the inserted pluggable server module. The standardized interface and connector provides a pluggable electro-mechanical interface for inserting a pluggable server into the device to be controlled. In contrast, the Advisory Action states that Hollstrom discloses a device and a server module that are connected through an interface via a cable (connector). (Advisory Action dated December 12, 2005 and also Hollstrom Paragraph [0030] discussing a serial cable). Applicants submit that a cable, such as serial cable, does not disclose Applicants claimed feature of a pluggable server module whose connections are made through use of a standardized interface and connector. Therefore, for at least this additional reason, Applicants submit that the rejection should of claim 1 should be reversed.

Claims 2 and 12-15 contain at least the same claimed feature of claim 1 and are allowable for at least the same reason as claim independent 1.

C. Rejection of claims 9-10, 12 and 13 are rejected under 35 USC §102(e) as being anticipated by Rezvani, U.S. Publication No. 2003/0140107.

Rezvani discloses a method for virtually representing and controlling remote devices. In Rezvani, a web server 46 and a database server 48 are located at a remote site from the controlled device. The web server generates both static and dynamic web pages from data supplied from the database server. The generated web pages are displayed to a user via an Internet browser running on a client device. A monitoring device 28 serves as an interface between a remote site and at least one of the connected devices.

The Final Office Action on Page 5 lines 11-12 equates the monitoring device 28 of Rezvani to Applicants claimed "pluggable server module." The monitoring device of Rezvani is clearly shown in figures 1 and 3 of Rezvani to be separated from the disclosed client devices.

Applicants claimed invention provides a method for transferring device specific user interface data for preparing the remote controlling of a device by means of a pluggable server module. Independent claim 9 includes the claimed feature of "detecting a pluggable server module connected to a standardized interface connector of said device." (Emphasis Added). Applicants submit that Rezvani does not disclose the connection of a pluggable server module to a standardized interface connector of a device. Rather Rezvani discloses connection of a monitoring device to an Internet service provider or a communications network. Rezvani merely discloses a non-pluggable web server which is located at a remote site and can not be inserted into the utility device. Therefore, for at least this reason Applicants submit that the rejection of claim 9 should be reversed.

Independent claim 10 includes the claimed feature of “storing said user interface data in said pluggable server module.” It is submitted, that Rezvani does not disclose at least this claimed feature. Rezvani discloses that “[t]emplates ... may be communicated through monitoring module 28 via the device drivers and stored on the user’s account” (see column [0094]). Applicants submit that the identified equivalent to the pluggable server module, namely, monitoring module 28 does not store but rather only forwards the information in clear contradistinction with that according to claim 10. Therefore, for at least this reason Applicants submit that the rejection of claim 10 should be reversed. Dependent claims 11-13 which ultimately depend from one of independent claims 9-10 are allowable for at least the same reasons as the independent claim from which they ultimately depend.

D. Rejection of claims claims 6, 12 and 13 are rejected under 35 USC §102(e) [sic §103] as being anticipated by Hollstrom, U.S. Publication No. 2001/0056502 in view of Rezvani, et al., U.S. Publication No. 2003/0140107.

Applicant believes that above rejection regarding claims 6, 12, and 13 is a rejection under 35 USC §103(a) and not a rejection under 35 USC §102(e) as stated in the Final Office Action based on the wording of the rejection. (See Final Office Action Page 7 under the section heading entitled “Claim rejections - 35 USC § 103”).

Applicants submit that neither Hollstrom nor Rezvani disclose, teach, or suggest the claimed feature of “a pluggable server connected to said device via a standardized interface and a connector.”

In aspects of the claimed invention, the pluggable server module is inserted into the device to be controlled via the inserted pluggable server module. The standardized interface and connector provides a pluggable electro-mechanical interface for inserting a pluggable server into

the device to be controlled. In contrast, the Advisory Action states that Hollstrom discloses a device and a server module that are connected through a cable (connector). (Advisory Action dated December 12, 2005 and also Hollstrom Paragraph [0030] discussing a serial cable). Applicants submit that a cable, such as serial cable, does not disclose Applicants claimed feature of a pluggable server module whose connections are made through use of a standardized interface and connector.

In addition, Rezvani does not disclose the claimed feature of “a pluggable server connected to said device via a standardized interface and a connector.” Rezvani merely discloses a non-pluggable web server which is located at a remote site and can not be inserted into the utility device. Therefore, for at least this reason Applicants submit that the rejections of independent claim 6 should be reversed.

Moreover, independent claim 6 is allowable for at least an additional reason. Independent claim 6 includes the claimed feature of “transferring user interface content and/or auxiliary content interface by a wireless protocol stack from said pluggable server to said wireless remote control terminal,” that may contain among others a set of commands for controlling said device or said pluggable server via said wireless link.” (Emphasis Added).

Applicants respectfully submit that the user interface content and/or auxiliary content interface of Applicants claimed invention is stored in the pluggable server and is transferred to the wireless remote control terminal. In contrast, Hollstrom describes a WML start page which contains a plurality of commands which are stored in the device and transmitted to the server device of Hollstrom. Moreover, Rezvani does not disclose this claimed feature. Therefore, for at least this additional reason, Applicants submit that the rejections of independent claim 6 should be reversed. Dependent claim 12-13 which ultimately depend from independent claim 6

are allowable for at least the same reasons as independent claim 6 from which they ultimately depend.

- E. Rejection of claims 11-13 are rejected under 35 §USC 103(a) as being unpatentable over Rezvani, et al., U.S. Publication No. 2003/0140107 as applied to claim 1 [sic claim 10] above further in view of Rudd, et al., U.S. Patent No. 6,178,468.**


Applicants respectfully submit that dependent claims 11-13 which ultimately depend from independent claim 10 are allowable for at least the same reasons as independent claim 10.

VIII. Conclusion

The rejections contained in the Final Office Action of June 30, 2005 and maintained in the Advisory Action dated December 12, 2005 should be reversed for at least the reasons recited above. Reversal of the rejections is requested.

Date: February 24, 2006

Respectfully submitted,

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CLAIMS APPENDIX

1. A pluggable server module, for remote controlling of a device, comprising a wireless transceiver, a computing means, a storage means, a server remote control logic, a standardized interface and a connector for connecting to said device, wherein said wireless transceiver is connected to said computing means, said computing means is connected to said server remote control logic, said server remote control logic is connected to said standardized interface and said connector, and said storage means is connected to said computing means for storing user interface data.

2. A pluggable server module according to claim 1, further comprising a wireless protocol stack server connected between said wireless transceiver and said computing means.

6. A method for remote controlling of a device by a wireless remote control terminal via a wireless link, a pluggable server connected to said device via a standardized interface and a connector, comprising the steps of:

transferring user interface content and/or auxiliary content interface by a wireless protocol stack from said pluggable server to said wireless remote control terminal, that may contain among others a set of commands for controlling said device or said pluggable server via said wireless link;

displaying said contents on a display in said wireless remote control terminal;

selecting one of the commands in said terminal, by a user input;

generating a contents request in said terminal according to said selection;

transferring a content request by wireless protocol stack via said wireless link from said wireless remote control terminal to said pluggable server;

invoking the desired remote command in device by using a communication protocol on the standardized interface and connector, the remote command being triggered, specified and parameterized by said content request to the pluggable server;

executing said command in said device;

communicating the result of the remote command execution in said device from said device to said pluggable server;

creating a corresponding response page in said pluggable server; and

transmitting and displaying said corresponding response page on the remote control terminal.

9. A method for transferring device specific user interface data for preparing the remote controlling of a device by means of a pluggable server module, from said device to said pluggable server module, comprising the steps of:

- detecting a pluggable server module connected to a standardized interface and a connector of said device;

- retrieving the user interface data from a storage means of said device; and

- transferring the user interface data to said pluggable server module via said standardized interface and said connector.

10. A method for retrieving user interface data for preparing the controlling of a device by means of a pluggable server module to enable interaction of the device, wirelessly, with a remote terminal, said method comprising the steps of:

- requesting device identifying information from said device, containing at least device and manufacturer related information;

- receiving and storing said device identifying information in said pluggable server module

- transferring said device identifying information to a network access point which may be the remote control terminal itself,

- transferring said device identifying information from said network access point to a communication network;

- receiving said user interface data by response from said communication network; and

- storing said user interface data in said pluggable server module.

11. A method according to claim 10, wherein the transfer of said device identifying information from said remote control terminal to said communication network is executed by:

- transferring said device identifying information first to an internet access point via a telephone network, and then

- transferring said device identifying information from said internet access point to said communication network via the Internet.

12. A computer program, embodied on a tangible medium, for remote controlling of a device by a wireless remote control terminal via a low power radio link and a pluggable server, comprising a program code for carrying out the steps of anyone of claims 6 and 9-11, when said program is run on the pluggable server.

13. A computer program product, embodied on a tangible medium, comprising means for providing a program code stored on a computer readable medium for carrying out the method of anyone of claims 6 and 9-11, when said program product is run on a pluggable server.

14. A device comprising a logic element and control logic, and being characterized by a standardized interface and connector for operably connecting to a pluggable server according to claim 1, wherein said standardized interface and connector are connected to said control logic, and said control logic is connected to said logic element.

15. A device comprising a logic element and a control logic, and being characterized by a standardized interface and connector for operably connecting to a pluggable server according to claim 2, wherein said standardized interface and connector are connected to said control logic, and said control logic is connected to said logic element.

EVIDENCE APPENDIX

-- NONE --

RELATED PROCEEDINGS APPENDIX

-- NONE --